

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Alternative Phone Company dba)	File No. EB-12-TP-0010
Day Star Communications)	
Owner of Antenna Structure)	NOV No.: V201232700003
Number 1221656)	
)	
Port Charlotte, Florida)	
)	

NOTICE OF VIOLATION

Released: March 13, 2012

By the District Director, Tampa Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules¹ to Alternative Phone Company dba Day Star Communications (Daystar Communications), owner of antenna structure number 1221656 in Port Charlotte, Florida.
2. On February 2, 2012, agents of the Commission's Tampa Office inspected antenna structure number 1221656 located in Port Charlotte, Florida, and observed the following violations:
 - a. 47 C.F.R. § 17.4(g): "The Antenna Structure Registration Number must be displayed in a conspicuous place that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure." At the time of inspection, there was no Antenna Structure Registration Number posted on the fence or nearby the base of antenna structure number 1221656.
 - b. 47 C.F.R. § 17.57: "The owner of an antenna structure for which an Antenna Structure Registration Number has been obtained must notify the Commission within 24 hours of completion of construction (FCC Form 854-R) and/or the dismantlement (FCC Form 854). The owner must also immediately notify the Commission using FCC Form 854 upon any change in height or change in ownership

¹47 C.F.R. § 1.89.

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information.” Although antenna structure number 1221656 was not transferred to another entity, its owner changed its legal name, and, at the time of inspection, the Antenna Structure Registration Database still listed Day Star Communications’ previous name.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Sections 1.16 and 1.89 of the Commission’s rules,³ Day Star Communications must submit a written statement concerning this matter within twenty (20) calendar days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must also confirm that Alternative Phone Company dba Daystar Communications is the entity’s legal name. The response must be complete in itself and signed by a principal or officer of the entity. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Tampa Field Office
4010 W. Boy Scout Blvd., Suite 425
Tampa, FL 33607-5744

4. This Notice shall be sent to Day Star Communications at its address of record.
5. The Privacy Act of 1974⁴ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵

FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow
District Director
Tampa District Office
South Central Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³47 C.F.R. §§ 1.16, 1.89.

⁴P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵18 U.S.C. § 1001 *et seq.*